

**Notice of Allowability**

Application No.

10/538,444

Examiner

Irakli Kiknadze

Applicant(s)

LUTJENS ET AL.

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 7/6/2006.
2. ☒ The allowed claim(s) is/are 1-13 and 15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☒ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20060713.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

1. In response to the office action dated April 5, 2006 the Amendment has been received on July 6, 2006.

Claims 1, 2 and 10-15 have been amended.

Claims 1-15 are currently pending in this application.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with David L. Barnes (Reg. No. 47,407) on July 18, 2006.

4. The application has been amended as follows:

In claim 1, on line 11, the phrase "operatively associated with the C-arm assembly" change to --arranged on the propeller axis--.

In claim 10, on lines 5 and 6, the phrase "operatively associated with the C-arm assembly" change to --connected to a portion of the C-arm assembly--.

In claim 11, on line 2, the phrase "operatively associated" change to -- connected--.

In claim 12, on line 2, the phrase "operatively associated" change to -- connected--.

In claim 13, on line 11, the phrase "operatively associated" change to -- connected--.

Cancel claim 14.

In claim 15, on line 1, the phrase "The X-ray apparatus of claim 14" change to -- The X-ray apparatus of claim 10--.

***Allowable Subject Matter***

5. Claims 1-13 and 15 are allowed.

6. The following is an examiner's statement of reasons for allowance:

Claim 1 is allowed because prior art fails to teach or make obvious an X-ray apparatus having a camera arrangement for detecting the marker arrangements to enable the positions of an X-ray source and an X-ray detector to be determined, the camera arrangement being arranged of a propeller axis so as to remain stationary when a C-arm assembly rotates about an axis of rotation as claimed including all of the limitations of the claim 1. Claims 2-9 are allowed by virtue of their dependence.

Claim 10 is allowed because prior art fails to teach or make obvious an X-ray apparatus comprising: a camera arrangement connected to a portion of a C-arm

assembly so as to remain stationary when a C-arm assembly rotates about an axis, and moves when the C-arm assembly is rotated about another axis as claimed including all of the limitations of the claim 10. Claims 11-13 and 15 are allowed by virtue of their dependence.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Graumann (US Patent 6,120,180) and Rattner (US patent 6,213,638 B1) teach an X-ray apparatus having a camera arrangement for detecting the marker arrangements to enable the positions of an X-ray source and an X-ray detector to be determined.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irakli Kiknadze whose telephone number is 571-272-2493. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on 571-272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Irakli Kiknadze  
July 18, 2006

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EDWARD J. GLICK  
SUPERVISORY PATENT EXAMINER